IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.469 OF 2001
IN
FIRST APPEAL NO.444 OF 2002

Maharashtra State Warehousing Corpn. ...Applicant

vs.

Employees' State Insurance Corporation ...Respondent

Mr.V.P.Sawant for the Applicant.
Mr.H.V.Mehta for the Respondent.

CORAM: A.S.OKA, J.
DATE : FEBRUARY 27,2007.

P.C.:

1. Heard Advocate for the Applicant and the Advocate for the Respondent. An Application under section 75 of the Employees' State Insurance Act,1948 was filed by the Applicant for challenging the order dated 12th August 1991 passed under section 45-A and consequential order dated 3rd October 1991 passed under section 45-B of the said Act of 1948. The Application filed by the Applicant has been dismissed on merits. Therefore, no interim relief can be granted and the Applicant will have to deposit the balance amount payable under the impugned demand in addition to 50% of the amount deposited with the Trial Court. However, reasonable time can be granted to the Applicant to deposit the said amount.

2. Hence, Civil Application is disposed of by passing the following order :

i) 50% of the amount of demand deposited by the Applicant with the Trial Court will be permitted to be withdrawn by the first Respondent subject to final outcome of the Appeal. Time of three months is granted to the Applicant to pay the balance amount payable as per the impugned demand.

ii) For a period of three months from today, no coercive steps shall be taken against the Applicant.

iii) If the Applicant fails to deposit the aforesaid amount within a period of three months from today, the first Respondent will be free to proceed against the Applicant.

iv) No order as to costs.

JUDGE